IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SAMUEL G. BREITLING, ET AL.,	§	
	§	
Plaintiffs,	§	
	§	
vs.	§	**CIVIL ACTION NO. 3:15-cv-00703-B**
	§	
LNV CORPORATION, ET AL.,	§	
	§	
Defendants.	§	

ORDER GRANTING MOTION FOR SANCTIONS FOR BAD FAITH, UNREASONABLE, AND VEXATIOUS CONDUCT

Upon consideration of Defendant LNV Corporation's ("LNV") Motion for Sanctions for Bad Faith, Unreasonable, and Vexatious Conduct ("Motion for Sanctions") against Plaintiffs Samuel G. Breitling and JoAnn Breitling ("Plaintiffs" or "Breitlings"), the Court finds that the Motion for Sanctions should be and hereby is **GRANTED**. It is therefore

ORDERED, ADJUDGED, AND DECREED the Motion for Sanctions is hereby **GRANTED**; it is further

ORDERED, ADJUDGED, AND DECREED the Court's August 10, 2016 Memorandum Opinion and Order (Doc. 140) ("Order of Dismissal") and its findings are hereby incorporated herein by reference; it is further

ORDERED, ADJUDGED, AND DECREED that this Court hereby finds the conduct of Samuel G. Breitling and JoAnn Breitling, as more fully described in the Order of Dismissal in this case, was unreasonable, harassing, vexatious, and constituted bad faith.

Initially, the Breitlings refused to file an amended complaint in compliance with multiple Court orders after the Court gave them numerous opportunities. (Doc. 140).

Additionally, the Breitlings filed, among others, the following groundless and improper pleadings and motions:

- **Collateral Attack of Judge Tillery's State Court Judgment** - The Breitlings improperly collaterally attacked the State Court Judgment and filed Plaintiffs' Motion to Vacate Judge Tillery's Void Order, LNV filed an opposition, and the Court denied the motion. (Docs. 60, 65, 73). The Breitlings moved to reconsider the Court's denial of their First Motion to Vacate Judge Tillery's Void Order, LNV responded, and the Court denied the motion. (Docs. 83, 87, and 100).

- **Improper Motions to Consolidate Unrelated Cases** – The Breitlings filed their Motion to Consolidate Directly Related Cases, LNV filed its response, and the Court denied the motion. (Docs. 41, 52, and 84). The Breitlings filed a motion to reconsider the denial of consolidation and LNV filed a response. (Docs. 93 and 98).

- **Meritless Motion to Remand and Challenge to Federal Court Jurisdiction** – The Breitlings filed a Motion to Sever and Remand and on the same day filed a Notice of Interloctory [sic] Appeal. (Docs. 102 and 103). LVN opposed the remand. (Doc. 109). The Breitlings also filed Plaintiffs' Notice of Challenge to Federal Court Jurisdiction of Their State Claims Against Defendant LNV Corporation. (Doc. 114).

- **Groundless Motions to Recuse Judge Boyle** – The Breitlings filed Plaintiff's Motion for Disqualification of Honorable Judge Jane J. Boyle, LNV filed an opposition, and the Court denied the motion. (Docs. 86, 89, and 99). The Breitlings moved to recuse Judge Boyle a second time, which the Court denied the same day it was filed. (Docs. 138 and 139).

- **Notice of Constitutional Questions** – The Breitlings filed a Notice of Constitutional Questions, a Revised Notice of Constitutional Questions, and Plaintiffs' Ammended [sic] Notice of Constitutional Challenge (Docs. 37, 79, and 124).

The Court has also learned that the Breitlings explicitly lied to the Court by representing that they resided in the property located at 1704 Cornwall Drive, Sachse, Texas 75048 (the "Property"). The evidence LNV presented clearly demonstrates that the Breitlings relocated to a city near Houston, Texas but nonetheless represented to this Court that they resided in the Property and that Samuel Breitling and Matthew Breitling would suffer severe harm if removed from the Property. Such lies to the Court cannot be countenanced.

Finally, after being warned by the Court to not besmirch people's character, the Breitlings lodged groundless personal attacks on, among others, their previous counsel, this Court, state of Texas trial and appellate judges, Ms. Harriet Miers, former President George W. Bush, and Mr. Andy Beal.

Under 28 U.S.C. § 1927, a court may impose sanctions when proceedings are unreasonably and vexatiously multiplied. 28 U.S.C. § 1927; *Proctor & Gamble Co. v. Amway Corp.*, 280 F.3d 519, 526 (5th Cir. 2002); *Williams v. Sorrells*, No. 3:15-cv-351-M, 2016 WL 1392335, at *2 (N.D. Tex. April 8, 2016). Federal courts also have inherent power to sanction bad-faith conduct. *Elliott v. Tilton*, 64 F.3d 215, 216 (5th Cir.1995); *see also Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-45, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991).

The Breitlings' conduct listed in the Order of Dismissal, this Order, and the Motion for Sanctions demonstrates that they acted in bad faith. The Breitlings' contumacious, obstinate, and harassing behavior unreasonably and vexatiously multiplied the proceedings in this case and caused LNV "to expend time and money to respond to the Breitlings' constant filings, most of which lack merit." (Doc. 140 at p. 7). It is further

ORDERED, ADJUDGED, AND DECREED that Samuel G. Breitling and JoAnn Breitling are hereby designated vexatious litigants; it is further

ORDERED, ADJUDGED, AND DECREED that after reviewing the Declaration of Jason L. Sanders and the authorities cited in the Motion for Sanctions, the Court hereby determines that $_______ in attorneys' fees LNV incurred to defend against the Breitlings' unreasonable, harassing, vexatious, and bad faith conduct listed in the Order of Dismissal, this Order, and the Motion for Sanctions was reasonable and necessary; it is further

ORDERED, ADJUDGED, AND DECREED that Samuel G. Breitling and JoAnn Breitling pay LNV the $________ in attorneys' fees LNV incurred to defend against the Breitlings' unreasonable, harassing, vexatious, and bad-faith conduct within 14 days of the issuance of this Order.

Signed this _____ day of _______________ 2017.

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UNITED STATES DISTRICT JUDGE